IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Crl.Rev.Pet.No. 4106 of 2006()

CRA.640/2005 of ADDL.SESSIONS COURT, KOZHIKODE
CC.94/2004 of JUDL. MAGISTRATE OF FIRST CLASS-II, PERAMBRA

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REVN. PETITIONER: APPELLANT/ACCUSED

P.HANEEFA MUHAMMED, S/O. MUHAMMED,
THOOPPARA VEEDU, KAVIL P.O.,
NADUVANNUR VIA, KOZHIKODE DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. P.PETER, S/O. POULOSE,
   PUNCHAKUNNEL VEEDU, P.O.CHAKKITTAPARA,
   KOYILANDY TALUK.

2. STATE OF KERALA, REP. BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4106 of 2006

Dated this the 23rd day of November, 2006

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment till the rising of the court and was directed to pay a sum of Rs.50,000/- as compensation under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation to undergo simple imprisonment for three months. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction and sentence.

2. The learned counsel for the petitioner submits that the petitioner is not in a position to pay the compensation amount immediately and that he requires three months' time to pay the same. Since no interference is being made either in the conviction or in the sentence, I do not think notice need be issued to the first respondent. I am of the view that two months' time can be granted to pay the compensation amount, taking into account the facts and circumstances of the case.

3. In the result, this Crl.R.P. is disposed of in the following manner.

(1) The conviction and sentence are confirmed.

(2) The petitioner is granted two months time to pay the compensation amount. The execution of the direction to pay the compensation shall be kept in abeyance for a period of two months.

K.T.SANKARAN,
JUDGE

csl